

Exhibit A

STATE OF ILLINOIS)
)
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

ARNOLD D. BARBER,)
)
 Plaintiff,)
)
 v.)
)
LUIS FERNANDEZ, an individual, and)
FEDERAL EXPRESS CORPORATION,)
a Corporation,)
)
 Defendants.)

Case No.:

2015L010524
CALENDAR/ROOM D
TIME 09:00
PI Motor Vehicle

2015 OCT 15 PM 3:40
3-7

COMPLAINT AT LAW

Plaintiff, ARNOLD D. BARBER (hereinafter referred to as simply "BARBER"), by and through his attorneys, WILLIAM B. MEYERS & ASSOCIATES, hereby complains against Defendants, LUIS FERNANDEZ, an individual (hereinafter referred to as simply "FERNANDEZ"), and FEDERAL EXPRESS CORPORATION, a Corporation (hereinafter referred to as simply "FEDEX"), and in support, states as follows:

COUNT I – NEGLIGENCE – LUIS FERNANDEZ, an individual

1. On November 10, 2013, and at all relevant times, Interstate 80 was a six-lane interstate highway, running generally in the eastbound and westbound direction, at or about mile marker 146, in the City of Tinley Park, County of Will, and State of Illinois.

2. On November 10, 2013, and at all relevant times, Defendant, HERNANDEZ, was an employee, agent, and/or servant of Defendant, FEDEX.

3. On November 10, 2013, and at all relevant times, Defendant, HERNANDEZ, was operating and/or driving a 2007 Freightliner in the course of his employment, agency, and/or servancy with Defendant, FEDEX.

4. On November 10, 2013, at approximately 3:15 A.M., Defendant, HERNANDEZ, was driving the aforementioned vehicle westbound on Interstate 80 at or about the 146 mile marker, in the City of Tinley Park, County of Will, and State of Illinois.

5. On November 10, 2013, at approximately 3:15 A.M., Plaintiff, BARBER, was driving his vehicle westbound on Interstate 80 at or about the 146 mile marker.

6. On November 10, 2013, at approximately 3:15 A.M., Defendant, HERNANDEZ, rear-ended Plaintiff, BARBER, with the aforementioned vehicle and at the aforementioned location.

7. On November 10, 2013, and at all relevant times, Defendant, HERNANDEZ, individually, and within the scope of his employment, agency, and/or servancy, owed a duty of reasonable care to Plaintiff, BARBER, and all others on the roadway.

8. On November 10, 2013, and at all relevant times, Defendant, HERNANDEZ, breached the aforementioned duty of reasonable care, in one or more of the following ways:

- a. Failed to travel at a speed which was reasonable and proper given the traffic conditions, pursuant to 625 ILCS 5/11-601(a);
- b. Failed to travel at a speed within the posted limit, pursuant to 625 ILCS 5/11-601(b)-(c);
- c. Failed to equip and maintain brakes adequate to control movement and to stop and hold her motor vehicle, pursuant to 625 ILCS 5/12-301(a)(1) and (b)(5);
- d. Failed to reduce the speed of her motor vehicle;
- e. Failed to keep a proper look-out for other vehicles and pedestrians while operating her motor vehicle;

- f. Failed to sound horn or give other audible warning to give reasonable warning of a collision;
- g. Followed the Plaintiff, BARBER, too closely; and,
- h. Was otherwise careless and/or negligent in operating his vehicle.

9. As a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions by Defendant, FERNANDEZ, Plaintiff, BARBER, then and there sustained severe and permanent injuries and was and will be, hindered and prevented from attending to her usual duties and affairs of life and has lost, and will lose, the value of that aforementioned time. Plaintiff, BARBER, suffered and will continue to suffered great pain and anguish, both in body and mind. Plaintiff expended and became liable for, and will continue to expend and become liable for sums of money for medical care and services endeavoring to become healed of said injuries.

WHEREFORE, Plaintiff, ARNOLD BARBER, prays judgment against Defendant, LUIS FERNANDEZ, an individual, in a dollar amount exceeding \$50,000.00 in compensatory damages, plus the costs of said suit.

COUNT II -- NEGLIGENCE -- FEDERAL EXPRESS CORPORATION, a Corporation

1. On November 10, 2013, and at all relevant times, Interstate 80 was a six-lane interstate highway, running generally in the eastbound and westbound direction, at or about mile marker 146, in the City of Tinley Park, County of Will, and State of Illinois.

2. On November 10, 2013, and at all relevant times, Defendant, FEDEX, was a Delaware Corporation, duly licensed to conduct, and conducting business in the State of Illinois and the County of Cook.

3. On November 10, 2013, and at all relevant times, Defendant, HERNANDEZ, was an employee, agent, and/or servant of Defendant, FEDEX.

4. On November 10, 2013, and at all relevant times, Defendant, HERNANDEZ, was operating and/or driving a 2007 Freightliner in the course of his employment, agency, and/or servancy with Defendant, FEDEX.

5. On November 10, 2013, at approximately 3:15 A.M., Defendant, HERNANDEZ, in the course of his employment, agency, and/or servancy with Defendant, FEDEX, was driving the aforementioned vehicle westbound on Interstate 80 at or about the 146 mile marker, in the City of Tinley Park, County of Will, and State of Illinois.

6. On November 10, 2013, at approximately 3:15 A.M., Plaintiff, BARBER, was driving his vehicle westbound on Interstate 80 at or about the 146 mile marker.

7. On November 10, 2013, at approximately 3:15 A.M., Defendant, HERNANDEZ, in the course of his employment, agency, and/or servancy with Defendant, FEDEX, rear-ended Plaintiff, BARBER, with the aforementioned vehicle and at the aforementioned location.

8. On November 10, 2013, and at all relevant times, Defendant, FEDEX, by and through its employees, agents, and/or servants, including, but not limited to, Defendant, HERNANDEZ, owed a duty of reasonable care to Plaintiff, BARBER, and all others on the roadway.

9. On November 10, 2013, and at all relevant times, Defendant, FEDEX, by and through its employees, agents, and/or servants, including, but not limited to, Defendant, HERNANDEZ, breached the aforementioned duty of reasonable care, in one or more of the following ways:

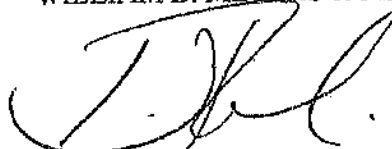
- a. Failed to travel at a speed which was reasonable and proper given the traffic conditions, pursuant to 625 ILCS 5/11-601(a);

- b. Failed to travel at a speed within the posted limit, pursuant to 625 ILCS 5/11-601(b)-(c);
- c. Failed to equip and maintain brakes adequate to control movement and to stop and hold her motor vehicle, pursuant to 625 ILCS 5/12-301(a)(1) and (b)(5);
- d. Failed to reduce the speed of her motor vehicle;
- e. Failed to keep a proper look-out for other vehicles and pedestrians while operating her motor vehicle;
- f. Failed to sound horn or give other audible warning to give reasonable warning of a collision;
- g. Followed the Plaintiff, BARBER, too closely; and,
- h. Was otherwise careless and/or negligent in operating his vehicle.

10. As a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions by Defendant, FEDEX, by and through its employees, agents, and/or servants, including, but not limited to Defendant, HERNANDEZ, Plaintiff, BARBER, then and there sustained severe and permanent injuries and was and will be, hindered and prevented from attending to her usual duties and affairs of life and has lost, and will lose, the value of that aforementioned time. Plaintiff, BARBER, suffered and will continue to suffered great pain and anguish, both in body and mind. Plaintiff expended and became liable for, and will continue to expend and become liable for sums of money for medical care and services endeavoring to become healed of said injuries.....

WHEREFORE, Plaintiff, FEDERAL EXPRESS CORPORATION, a Corporation, prays judgment against Defendant, LUIS FERNANDEZ, an individual, in a dollar amount exceeding \$50,000.00 in compensatory damages, plus the costs of said suit.

Respectfully Submitted,
WILLIAM B. MEYERS & ASSOCIATES

A handwritten signature in dark ink, appearing to read 'N. Rubino', is written over the printed name of the attorney.

Nicholas A. Rubino
Attorney for Plaintiff

WILLIAM B. MEYERS & ASSOCIATES
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